U.S. Serial No.: 10/823,876

Title: "Fastening Element and Fastening System for Plastic Containers"

Filed: April 14, 2004

Response to Office Action of September 12, 2006

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## **REMARKS**

## I. Status of the Claims

Claims 1-5, 7, 8, 10-19, 21, 22, 24-28, 30, 31 and 33 are pending in this application with. Claims 1, 12, and 25 have been amended herewith to further clarify the subject matter being claimed and to comply with claim construction acceptable in U.S. practice, and Claims 3, 17, and 27 have been cancelled herein for incorporation into the independent claims. No new subject matter or new issues are introduced by the claim amendments. Based on the Remarks below, reconsideration and allowance are respectfully requested.

## II.. Prior Art Rejections

A. Claims 1-5, 8, 10-19, 21, 22, 24-28, 30, 31 and 33 were rejected under 35 U.S.C. § 102(b) as being anticipated by Lopez-Crevillen et al. (U.S. Patent No. 4,394,853) (the '853 patent). Applicants respectfully traverse the objection as follows:

Applicants have amended the independent claims to clarify that each of the bushings has a longitudinal axis and the connecting bridges each define a rigid plane that is parallel to the longitudinal axes of the first bushings, wherein the bushings are directly longitudinally connected to said parallel rigid plane of the connecting bridges. For further clarity, the plane of each connecting bridge is vertical and in the same orientation of the vertical axes of the bushings, and therefore, the claimed connection is made vertically between each bushing and the vertical edge of each rigid plane of the connecting bridges.

The claimed configuration is in contrast to the prior art '853 patent, wherein the connecting element 52 defines a horizontal plane that is connected to the vertical bushings 56. This lack of direct longitudinal connection between parallel components results in a significantly weaker construction than Applicants' claimed configuration. According to Figs. 3 and 5 of the '853 patent indeed the bushings 56 are <u>indirectly</u> connected with the vertical parts 54, 55 of the connecting bridges via the horizontal part 52 of the connecting bridge.

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Therefore, Applicants have amended the independent claims to define that the first bushings are <u>directly</u> longitudinally connected to said parallel rigid plane of the connecting bridges in order to clearly point out the difference with the '853 patent. One of skill in the art reading the claims would readily understand how the structure is defined over the prior art. and. The resulting element according to the present invention (which has vertical interconnecting bridges, which plane is in the same orientation as the axes of the bushings) is able to exert the required pressure on the plastic flange. The system is much more stable and less screw-points are required, compared to the prior art.

In summary, the construction of the present application is significantly different and confers distinct advantages over the prior art. A person skilled in the art can not draw any teaching or suggestion from the '853 patent to arrive at the construction of the present application. Therefore, Applicants respectfully request withdrawal of the prior art rejection and allowance of the pending claims.

B. Claims 1, 2, 12-16 and 24 were rejected under 35 U.S.C. § 102(b) as being anticipated by Sikula (U.S. Patent No. 4,067,531) (the '531patent). Claims 3, -5, 8, 10, 11, 17-19, 21, and 22 were rejected under 35 U.S.C. § 103(a) as being obvious over the '531 patent. Applicants respectfully traverse the objections as follows:

Applicants wish to point out to the Office Action seems to be of the opinion that part B (equal to reference number 130 in Fig. 7) represents a vertical connecting bridge. However, this is not correct. When reading the document it is clear that part B of the Figure on page 8 of the Office Action (which corresponds to Fig. 7 of the '531 patent, Fig. 7; reference 130) refers to a deformable sealing portion 130 (see col. 3, lines 15-20), which is deformed to form sealing surfaces. Only the stabilizing band 132 which is embedded in the sealing portion 130 is a functioning connecting bridge (see col. 2, lines 58-65). Here again, as in the '853 patent, the plane of the actual connecting bridge (stabilizing band) 132 is perpendicular with the axis of the bushing (see Fig. 7), which is in contrast to the idea of the present invention. In summary, the rigid connecting bridges in the element of the present invention are totally different from the deformable sealing portion 130.

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In order to facilitate prosecution, Applicants have further limited the claims to connecting bridges that are made of metal, steel, cast metal, cast iron, cast aluminum or cast magnesium. However, Applicants point out that this is not merely the case of selection of a material for its known properties, because the fundamentally patentable nature of the present invention is, as described above, the connection of functional connecting bridges having a vertical planar aspect which is parallel to and directly connected to the vertical longitudinal aspects of the bushings. The prior art simply does not teach or suggest such an advantage. Therefore, Applicants respectfully request withdrawal of the prior art rejection and allowance of the pending claims.

## *V*. Conclusion

The foregoing is submitted as a full and complete response to the Office Action mailed September 12, 2006.

Please charge any additional fees, or credit any overpayment, to Deposit Account 19-5029 (Ref.: 18584-0014). If there are any issues that can be resolved by a telephone conference or an Examiner's amendment, the Examiner is invited to call the undersigned attorney at (404) 853-8081.

Respectfully submitted,

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SAB Docket: 18584-0014